IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.547 OF 2005

Shri Rahul Durgule ...Petitioner.

V/s

Shri Aditya Porwal & Anr. ...Respondents.

Shri Milan A. Desai for the petitioner.
Mr. A.S. Shitole, APP for the State.
None for respondent No.1.

CORAM: V.M.KANADE,J.
DATE : 30TH MARCH, 2005

P.C.

1. Heard the learned Counsel for the petitioner.

2. Petitioner is challenging the order of issuance of process by the Magistrate on the complaint filed by the respondent No.1 under section 138 of the Negotiable Instruments Act.

3. It is contended by the learned Counsel for the petitioner that the statutory notice which was issued by the respondent No.1 was beyond the limitation and, therefore, the complaint itself was not maintainable. He has invited my attention to various averments in paragraphs 11, 12, 13 and 14 of the complaint. In my view, this question cannot be decided at this stage. This question can only be decided by the Trial Court after the evidence is adduced by both parties. This

is not a case for interfering with the order of issuance of process. All questions raised in this Petition are kept open. The Trial Court shall decide the criminal case as expeditiously as possible and shall consider all the submissions made by the petitioner and decide the same on merits and in accordance with law.. Writ Petition is accordingly dismissed.

V.M. KANADE, J.